



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOFFMAN COMMUNICATIONS, LLC and
ANDREA HOFFMANN,

Plaintiffs,

-against-

GARDEN ART INNOVATIONS, LLC, ROBERT
DROMAN and CHRISTINE HOLMGREN,

Defendants.

ORDER

12 Civ. 6086 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiffs' Complaint is dismissed sua sponte for failure to allege complete diversity of citizenship between all Plaintiffs and all Defendants. First, residence is not citizenship. See, e.g., Jacobs v. Patent Enforcement Fund, Inc., 230 F.3d 565, 567 (2d Cir. 2000). Second, the citizenship of a limited liability company is determined by reference to the citizenship of its members. See, e.g., Handelsman v. Bedford Vill. Assocs. Ltd. P'ship, 213 F.3d 48, 51-52 (2d Cir. 2000).

Plaintiffs have leave to amend the Complaint by September 11, 2012, to cure its jurisdictional deficiencies.

SO ORDERED.

Dated:

August 28, 2012
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge